

FROM: 44202086

TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry

SUBJECT: NOTICE OF INTENT to Justice Scalia (S.Ct.)

DATE: 10/13/2014 03:43:27 PM

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NOTICE OF INTENT

14-3460-CV-S-MDH-P (USDC/WDMO)

TO:

Hon. Antonin Scalia, Associate Justice

Supreme Court of the United States

One First Street, N.E.

Washington 20543

District of Columbia, USA

SUBJECT: ICCPR's "not self-executing" Declaration violates the Petition Clause

Greetings Justice Scalia:

I am writing you to express my specific intent to challenge the "not self-executing" Declaration which the U.S. Senate attached to its ratification of the International Covenant on Civil and Political Rights ("ICCPR").

During closed door testimony on 7/10/2014 in the case of USA v. Hill et al., #2:14-CR-00027-NDF-2 (USDC/DWY), I was allowed to mention my prior efforts to correspond with a Judge on the International Court of Justice concerning my doubts about the constitutionality of that "not self-executing" Declaration.

Most unfortunately, the court pleading which I subsequently drafted for specific relief on this point, was either lost or stolen by a fellow inmate at a county jail in Gering, Nebraska. He had promised to forward that draft to Harris & Harris, P.C., in Cheyenne, Wyoming; but, those attorneys now tell me that no such pleading was ever forwarded to them.

On the merits, I was delighted to encounter your name among the brilliant dissents by Circuit Judges Torruella, Lipez and Thompson in *Igartua v. United States*, 654 F.3d 99 (1st Cir. 2011), and by Judge Torruella again in *Igartua v. United States*, 626 F.3d 592, 624 aka "*Igartua IV*". Quoting Judge Torruella now:

"Such declarations are, of course, not the Law of the Land; only reservations are part of the treaty and become the Law of the Land."

"... petitioners are entitled ... to a declaratory judgment stating that the United States is in violation of its obligations under the ICCPR."

During my 24+ years as a writer and court activist, I have taken special note of American court decisions which have elucidated the Petition Clause as applied to active litigation. Chiefly, the Petition Clause guarantees a Fundamental Right that is conservative of all other rights, not permitting dubious intrusions. Here see e.g. *Chambers v. Baltimore & O. R. Co.*, 207 U.S. 142 (1907) and *Thomas v. Collins*, 323 U.S. 516 (1945).

Accordingly, the "not self-executing" Declaration in the Senate's ratification of the ICCPR directly violates the Petition Clause. Insofar as that Declaration

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bars American courts from enforcing obligations enumerated in the ICCPR, it violates the First Amendment's crystal clear prohibition against any and all federal legislation which infringes the Right to petition American courts for redress of ICCPR violations, and to enforce rights enumerated in that treaty. Here compare In re Grand Jury, 26 F. 749 (DCUS/DOR 1886) (re: injury to a right secured by a treaty).

Please also be informed that I have most recently mailed my INITIAL APPLICATION FOR WRITS IN THE NATURE OF QUO WARRANTO AND HABEAS CORPUS to the USDC/WDMO in Springfield, Missouri. In that litigation, God willing, I fully intend to request declaratory judgments that:

- (a) the "not self-executing" Declaration in the Senate's ICCPR ratification is unconstitutional for violating the Petition Clause in the First Amendment; and,
- (b) the United States is in violation of its own obligations under the ICCPR, chiefly by blocking private rights of action to enforce that treaty otherwise available under the Arising Under Clause, the Supremacy Clause, 28 U.S.C. 1331 (federal question) and 28 U.S.C. 2441(c)(3) (habeas corpus)

In the event I am denied any of the specific relief requested in my INITIAL APPLICATION supra, please expect me to appeal ultimately to your good Office for timely judicial review of my petition for Habeas Corpus relief, in particular under 28 U.S.C. 2441 (i.e. any justice on the Supreme Court).

Thank you, Justice Scalia, for your time and professional consideration of this NOTICE OF INTENT.

Sincerely yours,

/s/ Paul Andrew Mitchell



Paul Andrew Mitchell, B.A., M.S. (chosen name) *
Private Attorney General, Civil RICO: 18 U.S.C. 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 U.S.C. 3729 et seq. (4X);
Qualified Federal Witness: 18 U.S.C. 1513

Respectfully submitted,

/s/ Larry Saccato

Legal Assistant, Next Friend and Interim Trustee,
Estate of Paul Andrew Mitchell, B.A., M.S.

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* See Doe v. Dunning, 549 P.2d 1 (Washington State Supreme Court)

PM

PM

#14-3460-CP-S-MDH-P (USDC/WDMO) 2 of 2 - PM

FROM: 44202086
TO: Saccato, Larry
SUBJECT: Addendum to NOTICE OF INTENT to Scalia, J.
DATE: 10/14/2014 03:38:02 PM

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Addendum

Please accept my apology for the typographical error, corrected on the attached NOTICE OF INTENT. BOP's inmate email system does not permit a previously sent email message to be forwarded, or edited.

While double-checking my draft of that NOTICE, the focus of my attention was to ensure that subsection (c)(3) was correct under 28 USC 2241. Of course, (c)(3) clearly invokes the famous trio: Constitution or laws or treaties, as mirrored in the Arising Under Clause, (3:2:1:), Supremacy Clause ("6:2"), and 28 U.S.C. 1331 (Federal question).

Please allow me to add an enthusiastic recommendation that you also review Circuit Judge Howard's excellent dissent in *Igartua-de la Rosa v. United States*, 417 F.3d 145, 190 (2005), chiefly: "The Senate lacks the constitutional authority to declare the non-self-executing character of a treaty with binding effect on U.S. Courts. The Senate has the unicameral power only to consent to ratification of treaties, not to pass domestic legislation."

In this context, "domestic" legislation also requires bicameral approval by the House of Representatives (cf. 1 USC 101: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled"; also 626 F.3d 592, 626, fn 46).

Sincerely yours,
/s/ Paul Andrew Mitchell
Paul Andrew Mitchell, B.A., M.S.



FROM: 44202086
TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry
SUBJECT: Rebuttal to Linda Sanders, Warden
DATE: 10/15/2014 07:30:01 AM

- COPY -

TO:
Hon. Linda Sanders, Warden
USMCFP/Springfield

Greetings Warden:

This is to acknowledge your brief written RESPONSE
to my given name, dated 10/10/2014.

I wanted to acknowledge your kindness as promptly
as possible, in order to demonstrate my good faith
and sincere desire to keep you, and your staff,
fully informed of the most important developments
in my case.

I will need more time to address the most important
issues more thoroughly e.g. by double-checking
all pertinent authorities before citing and sharing them
with you.

Chiefly, having testified on 7/10/2014, I am fully
qualified, and protected, by the Victim and Witness
statutes at 18 USC 1512, 1513, and also by the
retaliation remedy authorized by Congress in the
False Claims Act at 31 USC 3730(h).

Meanwhile, please permit me to summarize the
most salient errors that are immediately apparent
in your RESPONSE of 10/10/2014:

(1) my "assigned attorney" [sic]

Rebuttal: The missing and defective credentials
for one Nancy Dell Freudenthal have resulted in
making it legally impossible for her to "appoint"
any CJA attorney(s) as my formal legal representative,
or to sign any other "orders" in my case.

(2) "currently incarcerated [here] as a 4241(D) study
for competency restoration" [sic]

Rebuttal: In point of fact, I am now fully competent
and have been fully competent for decades. Again,
Ms. Freudenthal lacks the requisite authority to "order"
my initial arrest on 1/28/2014 and transport to USMCFP
via forty-nine (49) discrete moves to date.

"Diesel therapy" is not therapy! Like solitary confinement,
it is a form of cruel and unusual punishment violating the
Eighth Amendment.

My competency does not need any "restoration procedures" [sic].

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Frankly, my being here is a total and complete waste of Federal government appropriations.

(3) "address these issues with the court or your attorney" [sic]

Rebuttal: Once again, see (1) above for proof that I am not legally represented by Harris & Harris, P.C., as a matter of fact.

As a matter of law, I have always proceeded In Propria Persona i.e. "personally" under 28 USC 1654.

As for the "court" to which you seem to refer, it should already be evident to you (if not to your staff), that serious conflicts of interest are now proven to exist for multiple personnel employed by the USDC/DWY, notably Ms. Freudenthal and Stephan Harris dba Clerk of Court i.e. the principals (18 USC 2).

I do encourage you to contact DOJ's Office of Information Policy ("OIP") in Washington, D.C., for formal confirmation of their written response to my proper FOIA Request for Freudenthal's four (4) mandatory credentials required of all U.S. District Judges.

In further support of all three (3) points made above, enclosed please find a copy of Parts 1 of 2 and 2 of 2 of my recent APPLICATION FOR DISQUALIFICATIONS: 28 USC 144, which should now be filed in the official Docket records of the USDC/DWY, Cheyenne, Wyoming.

That APPLICATION was legally served on the same day it was posted via U.S. Mail at the Mail Room here at USMCFP/Springfield.

In conclusion, your RESPONSE of 10/10/2014 does not adequately address "my issue" -- such as it is -- for reasons stated above, and for additional reasons which I fully intend to elaborate, as soon as I can perfect a more comprehensive rebuttal.

Thank you, Warden Sanders, for your continuing professional consideration.

Sincerely yours,

/s/ Paul Andrew Mitchell



Paul Andrew Mitchell, B.A., M.S. (chosen name) *
Private Attorney General, Civil RICO: 18 USC 1964,
Rotella v. Wood, 528 U.S. 549 (2000)
(objectives of Civil RICO);
Agent of the United States as Qui Tam Relator,
False Claims Act: 31 USC 3729 et seq. (4X);
Qualified Federal Witness: 18 USC 1512, 1513

cc: Jon Roberts, Mental Health Unit Manager

* See Doe v. Dunning, 549 P.2d 1 (Washington State Supreme Court)

FROM: 44202086

TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry; Schoch, Juan

SUBJECT: REQUEST FOR WAIVER OF SUMMONS

DATE: 10/30/2014 01:22:10 PM

NOTICE OF LAWSUIT AND REQUEST FOR WAIVER
OF SERVICE OF THE SUMMONS

TO:

Ms. Nancy Dell Freudenthal
Mr. Stephan Harris
c/o Clerk of Court
U.S. District Court
2120 Capitol Avenue, 2nd Floor
Cheyenne 82001
Wyoming, USA

Mr. L. Robert Murray
c/o Office of U.S. Attorney
P.O. Box 668
Cheyenne 82003-0668
Wyoming, USA

DATE: November 1, 2014 A.D.

Greetings Lady and Gentlemen:

On 10/9/2014, our INITIAL APPLICATION FOR WRITS IN
THE NATURE OF QUO WARRANTO AND HABEAS CORPUS
was mailed via first-class U.S. Mail from the Mail Room
at USMCFP in Springfield, Missouri, USA, to the Office of
Clerk of Court, U.S. District Court, 222 N. John Q. Hammons
Parkway, Room 1400, Springfield 65806-2515, Missouri, USA.

All of you are named Civil Cross-Defendants in said INITIAL APPLICATION,
in addition to as yet unnamed Civil Cross-Defendants Does 1 thru 100.

We hereby incorporate by reference the appropriate Forms found
in the Federal Rules of Civil Procedure, as if those Forms were set
forth fully here.

The word processing resources at USMCFP/Springfield are so primitive,
incorporation of said forms by reference here is necessary to accomplish
the stated objectives in those standard Forms.

For your information, the Clerk of Court, USDC/WDMO supra,
has to date failed to assign an official Docket number, and
has to date also failed to assign a presiding Judge.

Moreover, we have now requested the U.S. Postal Inspection Service
to start an evidence file on my behalf, in connection with probable cause
that felony mail fraud has now occurred, of which I am a victim and
competent eyewitness. See 18 USC 4, 1341 here.

You are hereby respectfully requested to file with the USDC/WDMO supra
your proper WAIVER OF SERVICE OF SUMMONS and to serve a Courtesy Copy
of same upon me at the SHIP TO location shown below.

- COPY -

Docket Number:
14-3460-CV-S-MDH-P
filed 10/10/2014

PAH

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Substance prevails over form [cites omitted].

Thank you for your consideration.

Sincerely yours,

/s/ Paul Andrew Mitchell



Paul Andrew Mitchell, B.A., M.S. (chosen name) *

Private Attorney General, Civil RICO: 18 USC 1964,

Rotella v. Wood, 529 U.S. 549 (2000)

(objectives of Civil RICO);

Agent of the United States as Qui Tam Relator (4X),

False Claims Act: 31 USC 3729 et seq. chiefly 3730(h);

Qualified Federal Witness: 18 USC 1512, 1513;

Instructor, Inventor and Systems Development Consultant,

utility patent pending, U.S. Patent and Trademark Office

Bio: www.supremelaw.org/authors/mitchell/resume.htm

* See Doe v. Dunning, 549 P.2d 1 (Washington State Supreme Court)
(fundamental principle and common-law right to change one's name)

All Rights Reserved without Prejudice (cf. UCC 1-308)

SHIP TO:

Modeleski, M.P. (given name)

USMCFP #44202-086

P.O. Box 4000

Springfield 65801-4000

Missouri, USA

FROM: 44202086
TO: Saccato, Larry; Schoch, Juan
SUBJECT: CIVIL INVESTIGATIVE REQUEST: 18 USC 1964
DATE: 11/02/2014 06:16:48 AM

- COPY -

CIVIL INVESTIGATIVE REQUEST: 18 USC 1964 (Civil RICO)

Attention: [see DISTRIBUTION LIST below]

Greetings Warden et al.:

No later than 5:00 PM on Friday, 11/7/2014, kindly photocopy and transmit to the Clerk of Court, USDC/WDMO, 400 East 9th Street, Room 1510, Kansas City, Missouri, USA 64106, Civil Number 14-3460-CV-S-MDH-P, printed hard copies of all documents, records, notes, email messages, correspondence, and all other documentary materials currently maintained by the USMCFP/Springfield concerning the Undersigned.

PM

That Court will decide which documents to seal for reasons of privacy etc.

If you do not comply timely with this Request, please expect a proper SUBPOENA for same (cf. civil investigative demand, 18 USC 1961 et seq.; Rotella v. Wood, 528 U.S. 549 (2000) (objectives of Civil RICO)).

Thank you for your professional cooperation in this matter.

Respectfully,

/s/ Paul Andrew Mitchell

Paul Mitchell

Paul Andrew Mitchell, B.A., M.S. (chosen name)
BOP Reg. No 44202-086 aka "Modeleski, M.P." (given name)

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DISTRIBUTION LIST:

1. Sara Hampton
2. Brenda Hutchison
3. Michael McIntyre
4. Christina A. Pietz
5. Jon Roberts
6. Linda Sanders
7. Robert Sarrazin
8. Elizabeth Tyner

PM

Cc: Richard W. Schott, BOP Regional Counsel

Modelski, M.P. (given name)

#44202-086

Medical Center for Federal Prisoners

P.O. Box 4000

Springfield 65801-4000

Missouri, USA

RECEIVED

2014 NOV -6 PM 1:43

CLERK, U.S. DIST. COURT
WEST. DIST. OF MO
KANSAS CITY, MO

LEGAL MAIL

"Special Mail"

Re:

#14-3460-CV-S-MDH-P

TO: Clerk of Court

U.S. District Court

400 East 9th Street, Room 1510

Kansas City 64106

Missouri, USA

64106



Springfield PDPC MO 65801
TUE 04 NOV 2014 PM